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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,387	01/26/2004	Rainer Timpe	100584.53196US	4569

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EXAMINER

GEHMAN, BRYON P

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 02/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/763,387	Applicant(s) TIMPE, RAINER	
	Examiner Bryon P. Gehman	Art Unit 3728	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2 and 4-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2 and 4-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☒ All b) ☐ Some * c) ☐ None of:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 7-16 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Dolman in view of Beers. (2,763,524). Claims 1-2, 5-9 and 11-16 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Yen (5,690,221) in view of Beers. Dolman and Yeh each disclose a device for storing a plurality of protective cases (10; 2; respectively) on a holding element (A and 14; B) the holding element having a tab (15; 5) which engages in a recess (13; 21) in the protective case so that each protective case can be pivoted from a storage position to a removal position (see Figure 1; see Figures 3 and 4). Beers discloses a device including multiple pivotable protective cases (21) disposed on a holding element (16), wherein each protective case can be detached from the holding element when in the storage position (see Figure 3). To modify the protective case storing device of either one of Dolman and Yeh employing the storage position detaching capability of Beers would have been obvious in order to allow removal of an individual protective completely from the storing device.

As to claim 2, Yeh and Beers pertain to disc-shaped information carriers.

As to claim 12, Dolman and Yeh each discloses a rear wall, provided with a tongue element (14; 51), through which the protective cases are moved (to the left in Figure 1; to the left in Figure 3).

3. Claims 1, 4 and 7-16 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Dolman in view of Hinsdale (2,499,220). Claims 1-2, 4-9 and 11-16 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over Yeh (5,690,221) in view of Hinsdale. Dolman and Yeh each disclose a device for storing a plurality of protective cases (10; 2; respectively) on a holding element (A and 14; B) the holding element having a tab (15; 5) which engages in a recess (13; 21) in the protective case so that each protective case can be pivoted from a storage position to a removal position (see Figure 1; see Figures 3 and 4). Hinsdale discloses a device including multiple pivotable protective cases (disclosed cradles) disposed on a holding element (25), wherein each protective case can be detached from the holding element when in the storage position and the removal position (see Figure 5). To modify the protective case storing device of either one of Dolman and Yeh employing the storage and removal position detaching capability of Hinsdale would have been obvious in order to allow removal of an individual protective completely from the storing device in various positions, as suggested by Hinsdale.

As to claim 2, Yeh and Hinsdale pertain to disc-shaped information carriers.

As to claim 12, Dolman and Yeh each discloses a rear wall, provided with a tongue element (14; 51), through which the protective cases are moved (to the left in Figure 1; to the left in Figure 3).

4. Claims 17-22 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Schapker (4,859,007). Schapker disclose connecting devices (12, 14, 16) to join additional holding elements (18) to the original. To modify the prior art combinations further employing the connecting device teaching of Schapker would have been obvious in order to provide an array of holding elements, increasing holding capacity.

5. Claims 23-25 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Salvail (5,515,979). Salvail discloses a pivotable flap (28) secured to a protective case to cover the insertion opening of the protective case. To modify the prior art combinations further employing the pivotable flap teaching of Salvail would have been obvious in order to secure the contents within the protective case.

6. Claim 26 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Brown (1,341,412). Brown discloses a catch (at 19) to prevent pivoting of the protective cases in a device. To

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modify the prior art combinations further employing the catch teaching of Brown would have been obvious in order to secure the protective cases within the device.

7. Claim 27 is finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Drobny (3,316,039). Drobny discloses providing a device from transparent material. To modify the prior art combinations further employing the transparent material teaching of Drobny would have been obvious to allow exterior viewing of the contents.

8. Claims 28 and 29 are finally rejected under 35 U.S.C. 103(a) as being unpatentable over the art as applied to claim 1 above, and further in view of Ackeret (4,722,034). Ackeret discloses lighting means (104) integrated into a cover of a holding element protective case. To modify the prior art combinations further employing the lighting means teaching of Ackeret would have been obvious in order to facilitate viewing of the structure.

9. Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection. Beers and Hinsdale each discloses a protective case with a structure to render it removable while in the storage position, while Hinsdale is removable in both the storage and removal positions.

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10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryon P. Gehman whose telephone number is (571) 272-4555. The examiner can normally be reached on Monday through Wednesday from 5:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu, can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Bryon P. Gehman", with a long horizontal flourish extending to the right.

Bryon P. Gehman
Primary Examiner
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BPG